APPENDIX G

DIRECT EXAMINATION

BY MR. SCHMOCKER:

Q DETECTIVE REMINE, CAN YOU TELL ME, PLEASE, HOW YOU'RE REMPLOYED?

A POLICE OFFICER FOR THE CITY OF LONG BEACH, CURRENTLY ASSIGNED TO HOMICIDE DETAIL.

Q HOW LONG HAVE YOU BEEN SO ASSIGNED?

A A LITTLE OVER THREE YEARS.

Q NOW, TAKING YOU BACK TO LAST YEAR, AT SOME POINT IN TIME LAST YEAR, DID YOU BECOME THE INVESTIGATING OFFICER ON THE, IN THE CASE OF A KILLING OF ONE WILLIAM SHADDON?

A YES, SIR, I DID.

Q AND WHEN DID YOU, WHEN WERE YOU SO ASSIGNED?

A THE NIGHT THE INCIDENT OCCURRED.

Q NOW, AT SOME POINT IN TIME, DID YOU FIND CAUSE TO GO TO A RESIDENCE WHERE YOU BELIEVED YOU WOULD FIND ONE LEIF TAYLOR?

A YES, SIR.

Q WOULD THAT HAVE BEEN ON THE NIGHT OF SEPTEMBER FIRST, 1993?

A YES, SIR.

Q AND WHEN YOU WENT TO THAT LOCATION, YOU WENT THERE WITH A WARRANT; IS THAT CORRECT?

A YES, SIR.

Q AND THAT WAS A WARRANT BOTH TO SEARCH THE RESIDENCE AND TO ARREST MR. LEIF TAYLOR; IS THAT CORRECT?

A CORRECT.

Q WHEN YOU, YOU DID, IN FACT, GO PERSONALLY TO THAT ADDRESS; IS THAT CORRECT?

A YES, SIR.

Q WHEN YOU WENT THERE, DID YOU ALSO GO WITH A -- WITH A TEAM OF OFFICERS, IN ORDER TO EXECUTE THAT WARRANT?

A YES, SIR.

Q BESIDES YOURSELF, WAS THERE ANOTHER OFFICER ASSIGNED AS THE INVESTIGATING OFFICER?

A DETECTIVE MACLYMAN.

Q AND DID DETECTIVE MACLYMAN ALSO ACCOMPANY YOU TO THAT RESIDENCE?

A YES, SIR.

Q AND DID OTHER POLICE OFFICERS ALSO ACCOMPANY YOU?

A YES, SIR.

Q AND WERE THEY UNDER YOUR DIRECTION AND CONTROL?

A CORRECT.

Q HOW MANY OTHER OFFICERS, BESIDES DETECTIVE MACLYMAN AND YOURSELF, WERE THERE?

A MY RECOLLECTION, I THINK THERE WAS FOUR DETECTIVES TOTAL.

Q AND AN ENTRY OF THAT RESIDENCE WAS ACCOMPLISHED; IS THAT CORRECT?

A YES, SIR.

Q HOW WAS THAT ACCOMPLISHED?

A BY A KNOCK ON THE DOOR, AND SOMEONE ASKED WHO IT WAS. WE IDENTIFIED OURSELVES, AND THE DOOR WAS OPENED AT THAT POINT.

Q SO, SOMEONE FROM THE INSIDE OF THAT RESIDENCE OPENED THE DOOR?

A CORRECT.

Q AND WERE YOU ONE OF THE FIRST, WERE YOU THE FIRST OFFICER TO ENTER?

A NO, I WAS NOT.

Q DO YOU REMEMBER WHO DID?

A I THINK IT WAS DETECTIVE, ONE OF THE CAD PERSONNEL, DETECTIVE DUGAN OR NELSON. I DON'T RECALL EXACTLY WHO WAS THE FIRST ONE IN, THOUGH.

Q YOU WERE IN STREET CLOTHES; IS THAT CORRECT, SPORTS COAT?

A YES, SIR.

Q WHAT ABOUT THE OTHER DETECTIVES THAT WERE WITH YOU?

A DETECTIVE MACLYMAN AND MYSELF WERE DRESSED IN SUITS AND TIES, AND THE OTHER DETECTIVES WERE DRESSED IN PLAIN CLOTHES.

Q WHEN YOU OPENED THE DOOR, DID YOU DETERMINE -- WHO DID YOU FIND, ONE LEIF TAYLOR?

A YES, SIR.

Q WHERE DID YOU FIND HIM?

A HE WAS ON THE COUCH DIRECTLY TO THE LEFT OF THE FRONT DOOR. LYING ON THE COUCH, WOULD HAVE BEEN ON THE EAST WALL.

Q WAS HE FULLY DRESSED, OR WAS HE UNDRESSED?

A I DON'T RECALL. I THINK HE WAS PARTIALLY DRESSED. I THINK THEY COULD BE SLEEPING, YOU COULD TELL BY THE LOOKS ON THEIR FACE THEY WERE UP.

Q IF APPEARED, WHEN YOU ENTERED THEN, IT APPEARED THAT LEIF TAYLOR HAD BEEN ASLEEP; IS THAT CORRECT?

A YES, SIR.

Q WHAT TIME WAS IT THAT YOU MADE THAT ENTRY?

A 11:30 SOMEWHERE IN THE 11:30 P.M. AREA.

Q SOMETIME BETWEEN 11 AND 12, IS THAT FAIR TO SAY?

A YES, SIR.

Q AND THEN YOU IDENTIFIED MR. LEIF TAYLOR; IS THAT CORRECT?

A YES, SIR.

Q WHEN YOU DID THAT, AFTER YOU DID THAT, WHAT'S THE NEXT THING YOU DID WITH MR. TAYLOR?

A AT THE POINT, WE IDENTIFIED HIM AS THE PERSON IN THE HOUSE. WE CHECKED THE AREA IMMEDIATELY WHERE HE WAS SITTING. WE CHECKED HIM FOR ANY WEAPONS, AND HE WAS, AT THAT POINT HE WAS AT THAT POINT REMOVED FROM THE RESIDENCE.

Q AND HE WAS TAKEN INTO CUSTODY; IS THAT CORRECT?

A YES, SIR.

Q AND THEN WAS HE THEN TRANSPORTED TO LONG BEACH POLICE DEPARTMENT?

A YES, SIR.

Q HOW WAS HE TRANSPORTED?

A MYSELF AND DETECTIVE MACLYMAN.

Q DO YOU HAVE A SPECIFIC RECOLLECTION OF TRANSPORTING HIM YOURSELF?

A I AM ALMOST POSITIVE THAT'S WHAT HAPPENED, DUE TO THE FACT WE LEFT THE OTHER DETECTIVES THERE TO SEARCH AND THEN ANOTHER TEAM HAD ALSO COME OVER TO ASSIST IN THE SEARCH. WHY DON'T I -- IF YOU CAN LET ME REFER TO THE RECORD OF WHO TRANSPORTED, BECAUSE IT WOULD BE ON THE BOOKING SLIP.

Q IF YOU THINK IT WOULD HELP YOU IN YOUR RECOLLECTION, I WOULD ASK YOU TO DO THAT NOW.

A MY MISTAKE, DETECTIVE DUGAN TRANSPORTED HIM.

Q AND HOW LONG DID YOU STAY AT THAT RESIDENCE AFTER DETECTIVE DUGAN LEFT THE RESIDENCE?

A AS LONG AS, I DON'T RECALL THE EXACT TIME, 15, 20 MINUTES. BUT DETECTIVES COLETTE AND WREN WERE SEARCHING ANOTHER RESIDENCE, AND THEY CAME OVER TO CONTINUE THE SEARCH, AND ME AND MACLYMAN STAYED THERE UNTIL THEIR ARRIVAL, AND THEN WE IMMEDIATELY LEFT

TO GO TO THE STATION.

Q SO A RELATIVELY SHORT PERIOD OF TIME?

A YES, SIR.

Q DID --

AND THIS RESIDENCE THAT YOU WENT TO, CAN YOU TELL ME, IN DRIVING TIME, HOW LONG IT WOULD TAKE YOU TO DRIVE FROM THAT, HOW LONG IT TOOK YOU TO DRIVE FROM THAT RESIDENCE BACK TO THE POLICE DEPARTMENT?

A MAXIMUM OF 10 MINUTES.

Q AND DO YOU KNOW WHAT TIME YOU ARRIVED THEN, AT THE POLICE DEPARTMENT?

A NO, I DO NOT.

Q WOULD IT HAVE BEEN BEFORE OR AFTER MIDNIGHT, IF YOU KNOW?

A MIDNIGHT, SOUNDS APPROXIMATELY.

Q WHERE IS IT THAT YOU NEXT SAW LEIF TAYLOR?

A AT THE POLICE STATION, ON THE THIRD FLOOR, ADJACENT TO OUR OFFICE.

Q DO YOU KNOW, WAS MR. TAYLOR ADVISED OF HIS RIGHT TO REMAIN SILENT, AND HIS RIGHT TO HAVE A LAWYER WHILE HE WAS AT HIS RESIDENCE?

A NO.

Q DO YOU HAVE ANY KNOWLEDGE THAT HE WAS ADVISED BY DETECTIVE DUGAN IN THE POLICE CAR?

A NO, I DO NOT.

Q AND THE NEXT TIME THAT YOU SAW HIM WAS IN AN INTERVIEW ROOM ON THE -- IN AN INTERVIEW ROOM?

A YES, SIR.

Q SO WHEN YOU ARRIVED AT THE POLICE DEPARTMENT, DID YOU IMMEDIATELY GO UP TO THE THIRD FLOOR?

A WE IMMEDIATELY WENT TO THE FLOOR, PLACED OUR BRIEFCASES AT OUR OFFICE, GRABBED OUR NOTE PAD, AND GRABBED AN ADVISEMENT OF LEGAL RIGHTS FORM, AND IMMEDIATELY WENT TO BEGIN THE INTERVIEW.

Q AND BOTH YOU AND DETECTIVE MACLYMAN ENTERED THAT INTERVIEW ROOM TO CONDUCT AN INTERVIEW?

A YES, SIR.

Q WHEN YOU ARRIVED THEN, IN THAT INTERVIEW ROOM, DID MR. TAYLOR REQUEST TO SPEAK TO ANYONE?

A NO IMMEDIATELY, BUT WHEN WE WENT IN, NO, SIR.

Q DURING THIS, WOULD HAVE BEEN SHORTLY AFTER MIDNIGHT THAT YOU WENT IN; IS THAT

CORRECT?

A YES, SIR.

Q AND YOU ULTIMATELY TAPED AN INTERVIEW WITH MR. TAYLOR; IS THAT CORRECT?

A YES, SIR.

Q AND THAT INTERVIEW WAS TAPED, THE TAPE STARTED ABOUT THREE O'CLOCK IN THE MORNING; IS THAT CORRECT?

A AROUND 3:00 O'CLOCK YES, SIR.

Q AND IT FINISHED ABOUT 3:14?

A I DON'T RECALL THE EXACT TIME IT FINISHED, BUT --

Q BUT IT WASN'T A LONG INTERVIEW, WAS IT?

A CORRECT.

Q AND IT WAS BETWEEN, BETWEEN MIDNIGHT AND 3:00 O'CLOCK IN THE MORNING INTERVIEWS WERE CONDUCTED OF MR. TAYLOR; IS THAT CORRECT?

A YES, SIR.

Q AND YOU AND DETECTIVE MACLYMAN WERE INVOLVED IN THE CONDUCTING OF THOSE INTERVIEWS BETWEEN MIDNIGHT AND 3:00 O'CLOCK?

A YES, SIR.

Q WAS ANYONE BESIDES YOU AND DETECTIVE MACLYMAN INVOLVED IN THOSE, THAT INTERVIEW DURING BETWEEN MIDNIGHT AND THREE?

A NO, SIR.

Q DID YOU DETERMINE MR. TAYLOR'S AGE AT ANY POINT IN TIME BETWEEN MIDNIGHT AND THREE?

A I THINK WE ALREADY KNEW HIS AGE BECAUSE WE HAD OBTAINED AN INFORMATION OUT OF HIS JUVENILE PACKAGE, THAT TYPE OF THING.

Q AND DO YOU KNOW WHAT HIS AGE WAS ON SEPTEMBER FIRST, 1993?

A 16, I THINK.

Q AND YOU KNEW THAT ON THAT DAY?

A YES, SIR.

Q ON SEPTEMBER SECOND, I GUESS THE EARLY MORNING HOURS OF SEPTEMBER SECOND?

A CORRECT.

Q DID, WHEN YOU ENTERED INTO THE, INTO THE INTERVIEW ROOM, WAS MR. TAYLOR ALONE?

A I DON'T RECALL IF DETECTIVE DUGAN WAS STILL WITH HIM, OR THEY HAD PUT HIM IN THE ROOM AND CLOSED THE DOOR. I DON'T RECALL.

Q DID YOU HAVE ANY INFORMATION AS TO WHETHER OR NOT MR. TAYLOR HAD EVER BEEN

INTERROGATED BY THE POLICE BEFORE THIS DATE, THIS SEPTEMBER SECOND DATE?

A NO, I HAD NO INFORMATION OF THAT.

Q DURING THE PERIOD OF TIME THAT MR. TAYLOR WAS INTERROGATED, WAS AN ATTORNEY PRESENT?

A NO.

Q WAS, DURING THAT SAME PERIOD WHEN HE WAS INTERROGATED, WAS HIS PARENT PRESENT?

A NO.

Q FROM THE TIME THAT YOU FIRST SAW HIM ABOUT, PARDON ME, FROM THE TIME YOU ENTERED THE INTERVIEW ROOM UNTIL THE STATEMENT WAS TAKEN, DID MR. TAYLOR SLEEP?

A NO.

Q DID HE HAVE ANY FOOD?

A WE DIDN'T OFFER HIM ANY FOOD, NO.

Q DID HE HAVE ANY WATER?

A I AM SORRY.

Q DID HE HAVE ANY WATER?

A IT IS OUR HABIT TO USUALLY, YOU KNOW, SOMETHING OF THAT LENGTH, YOU KNOW, WE HAVE COKES IN OUR OFFICE, AND I DON'T RECALL IF WE GAVE HIM A COKE, BUT USUALLY WE ASK WHOEVER

WE INTERVIEW IF THEY WOULD LIKE SOMETHING TO DRINK.

Q THAT AS A MATTER OF CUSTOM YOU DO THAT?

A YES.

Q BUT YOU HAVE NO RECOLLECTION AS TO WHETHER YOU DID IT IN THIS CASE?

A THAT'S CORRECT.

Q AND DURING THIS PERIOD OF TIME, FROM 12 MIDNIGHT UNTIL SLIGHTLY AFTER 3:00 O'CLOCK, WERE BOTH YOU AND DETECTIVE MACLYMAN IN THE ROOM WITH MR. TAYLOR?

A ONE OF US AT ALL TIMES, UNTIL THE INTERVIEW WAS CONCLUDED, AND THEN I THINK WE WENT AND GOT THE BOOKING SHEETS AND FILLED THAT OUT. BUT THROUGHOUT THE WHOLE INTERVIEW, ONE OF US WAS WITH HIM AT ALL TIMES.

Q AT SOME PERIODS OF TIME, YOU WOULD LEAVE THE ROOM; IS THAT CORRECT?

A CORRECT. MYSELF OR DETECTIVE MACLYMAN BUT ONE OF US WOULD ALWAYS REMAIN THERE.

Q AND DURING, WOULD YOU SAY DURING THE BULK OF THE TIME THAT THIS INTERVIEW TOOK PLACE, WERE BOTH OF YOU PRESENT?

A YES, SIR.

Q AT ANY TIME BEFORE MR. TAYLOR MADE A TAPED STATEMENT DID HE SHOW ANY EMOTION?

A I DON'T RECALL IF HE DID OR NOT.

Q DO YOU RECALL WHETHER OR NOT, AT ANY POINT IN TIME DURING THIS INTERVIEW, HE WAS CRYING?

A NO, I DO NOT.

Q DURING --

IS IT FAIR TO SAY THAT MR. TAYLOR, AT SOME POINT IN TIME ASKED TO CALL AN ATTORNEY BY THE NAME OF ARTHUR CLOSE?

A I DON'T RECALL HIM MAKING THAT STATEMENT.

Q DO YOU KNOW WHETHER OR NOT HE WAS GIVEN, WHETHER HE WAS GIVEN AN OPPORTUNITY, AT ANY TIME DURING THE EARLY MORNING HOURS OF SEPTEMBER SECOND, TO MAKE A PHONE CALL?

A PRIOR TO US, WHEN WE ADVISED HIM OF HIS LEGAL RIGHTS, AND WE READ IT OFF THE FORM, AT THAT POINT, I MEAN, DURING THE ADVISEMENT, WHICH WOULD HAVE BEEN, HE WOULD HAVE HAD THE OPPORTUNITY THEN.

Q WAS HE PROVIDED A PHONE AT ANY PERIOD OF TIME DURING THE EARLY MORNING HOURS, THAT YOU ARE AWARE OF?

A NO, SIR.

Q NOW, DURING THE PERIOD OF TIME THAT HE WAS INTERVIEWED, HE GAVE SEVERAL DIFFERENT STATEMENTS; IS THAT CORRECT?

A YES, SIR.

Q DID HE GIVE THREE DIFFERENT STATEMENTS?

A TWO, I MEAN, IN MY OPINION IT IS TWO.

Q TWO THAT WERE SIGNIFICANTLY DIFFERENT IN THE FACTS THEY CONTAIN; IS THAT CORRECT?

A YES, SIR.

Q AND IT WAS THAT SECOND STATEMENT THAT YOU LATER MEMORIALIZED BY WAY OF A TAPE RECORDING; IS THAT CORRECT?

A YES, SIR.

Q NOW, AN ADVISEMENT OF LEGAL RIGHTS FORM WAS OBTAINED BY YOU BEFORE YOU ENTERED INTO THAT INTERVIEW ROOM; IS THAT CORRECT?

A I GOT IT OUT OF THE FILE CABINET, YES.

Q AND YOU BROUGHT THAT WITH YOU INTO THE INTERVIEW ROOM; IS THAT CORRECT?

A YES, SIR.

Q AND WHEN, WHEN IN THIS INTERROGATION PROCESS, PARDON ME, DID YOU SHOW THAT FORM TO LEIF TAYLOR?

A YES, SIR.

Q WHEN, DURING THIS PROCESS, DID YOU DO THAT?

A PRIOR TO THE INTERROGATION BEGINNING.

Q WHAT TIME WOULD THAT HAVE BEEN?

A I THINK IT WAS 12, 12:20 IN THE MORNING.

Q AND WHEN YOU -- DID YOU SHOW THIS DOCUMENT TO MR. TAYLOR?

A YES, SIR.

MR. SCHMOCKER: YOUR HONOR, I HAVE A DOCUMENT IT APPEARS TO BE A PHOTOCOPY, ENTITLED ADVISEMENT OF LEGAL RIGHTS THAT I OBTAINED FROM THE DISTRICT ATTORNEY'S OFFICE.

THE COURT: DEFENDANT'S A.

MR. SCHMOCKER: YES, PLEASE.

THE COURT: FOR THIS PROCEEDING ONLY, LET'S SAY DEFENDANT'S A.

MR. SCHMOCKER: A 402 OKAY VERY GOOD.

(DEFENSE EXHIBIT A MARKED FOR IDENTIFICATION.)

Q BY MR. SCHMOCKER: DETECTIVE, I AM SHOWING YOU A DOCUMENT, I WOULD LIKE TO SHOW YOU A DOCUMENT AND ASK YOU TO TAKE A LOOK AT IT AND SEE IF YOU, IF IT APPEARS TO BE A PHOTOCOPY OF SOMETHING YOU HAVE SEEN

BEFORE?

A YES, IT IS.

Q AND IS THAT THE DOCUMENT THAT YOU SHOWED TO LEIF TAYLOR?

A YES, SIR.

Q AND THERE APPEARS TO BE SOME HANDWRITING ON IT DOWN AT THE BOTTOM. DO YOU RECOGNIZE, OR DO YOU KNOW WHOSE HANDWRITING THAT IS?

A ON WHAT SPECIFIC LINE, SIR? THERE ARE FOUR DIFFERENT HANDWRITINGS DOWN HERE.

Q WELL, THERE IS A LINE THAT STARTS WITH THE TYPEWRITTEN WORDS, SIGNED, DID YOU SEE ANYONE PUT A SIGNATURE THERE?

A YES, SIR.

Q AND WHO WOULD THAT BE?

A THE DEFENDANT.

Q AND BELOW THAT, THERE IS A LINE THAT SAYS WITNESS. DO YOU SEE TWO DIFFERENT, WHAT APPEARS TO BE TWO SIGNATURES THERE?

A YES, SIR.

Q DO YOU KNOW HOW THOSE SIGNATURES GOT ON THAT DOCUMENT?

A MYSELF AND DETECTIVE MACLYMAN PUT OUR APPROPRIATE SIGNATURES ON THAT LINE.

Q NOW, WAS THAT DOCUMENT, HOW WAS THAT PRESENTED TO MR. TAYLOR? WAS IT SHOWN TO HIM, OR HOW IS IT THAT HIS SIGNATURE CAME TO BE ON THE DOCUMENT?

A WHEN WE SAT DOWN, AND WE TURNED IT AROUND, AND WE FACED IT TO HIM, AND HE WAS SITTING DIRECTLY ACROSS THE TABLE FROM US. AND WE TURNED IT AROUND, AND THEN WE READ EACH LINE TO HIM, AND THEN WE WOULD ALSO ASK HIM, "DO YOU WANT TO READ THIS YOURSELF" AND IF WE FEEL THAT NEED BE, WE WILL READ IT FOR HIM, AND ASK HIM IF HE UNDERSTANDS EACH LINE AS WE GO.

Q IN THIS CASE DID MR. TAYLOR READ IT TO HIMSELF, OR DID YOU READ IT TO HIM?

A I DON'T RECALL WHICH WAY IT WAS. I WILL SAY THAT WE TURNED AROUND, AND WE READ IT TO HIM. WE TURNED IT AROUND AND LET HIM READ IT, AND WE READ IT TO HIM WHILE HE WAS READING IT TO HIMSELF.

Q AND DO YOU HAVE A SPECIFIC RECOLLECTION OF DOING THAT?

A NO, SIR I DO NOT.

Q BUT YOU DO RECALL HIM PUTTING HIS SIGNATURE AT THE BOTTOM?

A YES, SIR.

Q NOW, AT ANY TIME, WELL – BEFORE THAT DOCUMENT WAS SIGNED BY MR. TAYLOR, MR. TAYLOR ASKS TO SPEAK TO A LAWYER?

A NO, SIR.

Q AT ANY TIME AFTER THAT DOCUMENT WAS SIGNED, DID MR. TAYLOR ASK TO SPEAK TO A LAWYER?

A NOT TO MY RECOLLECTION, HE DID NOT.

Q DID HE EVER ASK SPECIFICALLY TO SPEAK TO A LAWYER BY THE NAME OF ARTHUR CLOSE?

A I DON'T RECALL HIM SAYING THAT, NO, SIR.

Q DURING THE PERIOD OF TIME BEFORE THAT DOCUMENT WAS SIGNED, DID MR. TAYLOR EVER ASK TO SPEAK TO HIS MOTHER?

A NO, SIR.

Q AT ANY TIME AFTER THAT DOCUMENT WAS SIGNED, DID HE ASK TO SPEAK TO HIS MOTHER?

A NO, SIR NOT TO MY RECOLLECTION.

Q NOW, DETECTIVE, DO YOU OWN A RING THAT HAS THE NUMERALS 187 ON IT?

A THAT'S MY PARTNER.

Q YOUR PARTNER HAS A RING THAT HAS THOSE NUMBERS ON IT?

A HE HAS A GOLD RING THAT HAS 187 ON IT YES, SIR.

Q AND DURING THE COURSE OF THE INTERVIEW OF MR. TAYLOR, WAS THAT RING PRESENTED TO HIM AND SHOWN TO HIM?

A I DON'T RECALL IF IT WAS OR NOT.

Q DO YOU RECALL WHETHER MR. TAYLOR EVER ASKED WHY HE WAS BEING INTERVIEWED?

A HE DID ASK WHAT, HE MADE A STATEMENT, "IS THIS BAD?" TO US, WE SAID "YES, IT IS."

Q AND WAS THAT AT THE BEGINNING OF THE INTERVIEW?

A YES, THAT WAS AT THE BEGINNING, PRIOR TO THE ADVISEMENT.

Q AND AT THAT POINT IN TIME, DID YOUR PARTNER PRESENT TO HIM HIS HAND, IN SUCH A WAY THAT THE RING, 187 RING, COULD BE SEEN?

A HE COULD HAVE BEEN HOLDING HIS HAND THAT WAY. I MEAN, TO WHERE THE DEFENDANT COULD READ IT, BUT I DON'T RECALL HIM POINTING IT AT HIM LIKE THAT.

Q YOU HAVE NO RECOLLECTION OF DETECTIVE MACLYMAN IN RESPONSE TO MR. TAYLOR'S QUESTION OR STATEMENT, "IS THIS BAD?" PRESENTING HIS FIST TOWARDS HIM SO THAT HE COULD READ WHAT WAS ON THE RING?

A NO, SIR.

Q AFTER MR. TAYLOR MADE THE FIRST STATEMENT HE MADE IN REGARDS TO THE, IN REGARDS TO THE EVENTS OF MEMORIAL DAY, 1993, WELL -- IF I MAY WITHDRAW THAT QUESTION.

BEFORE HE MADE THAT FIRST STATEMENT, DID ANYONE, I MEAN, DID EITHER YOU OR YOUR PARTNER DRAW TWO LINES ON A PAD OF PAPER?

A PRIOR TO WHAT, SIR?

Q HIM MAKING ANY STATEMENT IN REGARDS TO THE EVENTS OF MEMORIAL DAY 1993?

A NO, NOT TO MY KNOWLEDGE. I DON'T UNDERSTAND THE QUESTION A WHOLE BUNCH I DON'T.

Q WELL, DID YOU, YOU HAD A PAD OF PAPER IN ORDER TO TAKE NOTES IN THE INTERVIEW ROOM; IS THAT CORRECT?

A YES, SIR.

Q AT SOME POINT IN TIME, DURING THIS INTERVIEW BETWEEN MIDNIGHT AND 3:00 O'CLOCK IN THE MORNING, DID YOU DRAW ONE SHORT LINE ON A PIECE OF PAPER AND ONE LONG LINE ON A PIECE OF PAPER?

A NOT TO MY RECOLLECTION, I DON'T --WE JUST TOOK OUR NOTES.

Q WELL, DID YOU SEE YOUR PARTNER DRAW ONE SHORT LINE AND ONE LONG LINE ON A PIECE OF PAPER?

MAYBE IF I COULD MAKE IT A COMPOUNDED QUESTION, AND WITHOUT OBJECTION, AND SAY THAT THERE ARE TWO WAYS TO GO, A SHORT WAY, AND A LONG WAY IN REGARDS TO THIS INTERVIEW?

A I DON'T RECALL THAT BEING --IT COULD HAVE BEEN DONE. I DON'T RECALL DOING IT, MY PARTNER DOING IT.

THE COURT: BRIEF INTERRUPTION.

ATTORNEY CLOSE, YOU MIGHT WANT TO TALK TO HIM AND TELL HIM, COORDINATE WITH HIM. HE WILL KNOW LIKELY WHEN YOU ARE TO BE FINISHED WITH THIS OFFICER, OR HAVE HIM COME UP. HE COULD WAIT AROUND A LITTLE BIT.

(DISCUSSION OFF THE RECORD)

Q BY MR. SCHMOCKER: DURING THE COURSE OF THIS INTERVIEW, DID YOU TELL, DID YOU TELL MR. TAYLOR THAT, MR. TAYLOR, THAT YOU BELIEVE THAT HE DID NOT INTENT TO KILL THE VICTIM?

A I DON'T RECALL MAKING THAT STATEMENT, NO.

Q IN REGARDS TO, I PREVIOUSLY ASKED YOU ABOUT DRAWING A SHORT LINE AND A LONG LINE, IN REGARDS TO THAT, AND THE QUESTION I WOULD PUT TO YOU IS THIS, DID YOU DRAW A SHORT LINE AND SAY THAT IF YOU TOOK THIS ROUTE YOU WOULD GET OUT OF JAIL BY THE TIME YOU WERE 25?

A NO, I DID NOT.

Q DURING THE COURSE OF THIS INTERVIEW, WERE YOU DRINKING COFFEE?

A DUE TO THE TIME OF MORNING IT WAS, I PROBABLY WAS SIR, YES.

Q WAS YOUR PARTNER, TO YOUR KNOWLEDGE, DRINKING COFFEE?

A HE DOES NOT DRINK COFFEE.

Q DID YOU SEE HIM DRINKING ANYTHING IN THE COURSE OF THAT INTERVIEW?

A NO, I DON'T RECALL IF HE WAS OR NOT.

Q AND IS IT YOUR TESTIMONY THAT, PRIOR TO THE TIME THAT THIS TAPED STATEMENT WAS MADE, THAT MR. TAYLOR NEVER REQUESTED TO USE A TELEPHONE?

A NOT TO MY RECOMMENDATION HE DID NOT, NO.

Q DURING THE COURSE OF THIS INTERVIEW, DID YOU EVER TELL MR. TAYLOR THAT YOU HAD ALREADY CONTACTED HIS MOTHER?

A I DON'T RECALL IF THAT WAS SAID OR NOT.

Q DO YOU KNOW WHETHER OR NOT MR. TAYLOR MADE A SERIES OF PHONE CALLS AT APPROXIMATELY FOUR O'CLOCK IN THE MORNING?

A IF THE DEFENDANT MADE ANY PHONE CALLS, IT WOULD HAVE BEEN AFTER THE INTERVIEW, AND I DON'T RECALL IF HE DID OR NOT.

Q ALMOST FINISHED DETECTIVE. LET ME JUST HAVE A MOMENT AND SEE WHERE I STAND.

DURING THE COURSE OF THIS INTERVIEW, FROM MIDNIGHT TO A LITTLE AFTER THREE, DID YOU EVER TELL MR. TAYLOR THAT HE WASN'T GOING TO GO ANYWHERE OR MAKE ANY PHONE CALLS UNTIL HE TOLD YOU WHAT YOU WANTED TO KNOW?

A NO, SIR.

Q DID YOU EVER TELL HIM THAT IT WOULD GO EASIER ON HIM IF HE CONFESSED?

A NO, SIR.

MR. SCHMOCKER: NO FURTHER QUESTIONS.

THE COURT: CROSS-EXAMINATION.

CROSS-EXAMINATION.

BY MR. LAMB:

Q DETECTIVE REMINE, AT ANY TIME DURING THIS INTERVIEW, DID YOU THREATEN MR. TAYLOR IN ANY WAY?

A NO, SIR.

Q DID YOU MAKE ANY PROMISES TO HIM.

A NO, SIR.

Q REFERRING TO WHAT WE BELIEVE HAS BEEN MARKED AS DEFENSE A, THE ADVISEMENT, LEGAL RIGHTS?

A YES, SIR.

Q AT THE TIME THAT YOU PRESENTED THAT TO MR. TAYLOR, DID YOU ADVISE HIM OF HIS RIGHTS?

A I THINK DETECTIVE MACLYMAN IS THE ONE THAT WAS GOING OVER THE ADVISEMENT WITH HIM.

Q BUT I WANT TO MAKE SURE IT IS CLEAR, IN ADDITION TO HAVING THE RIGHTS PRESENTED TO HIM IN WRITTEN FORM, WERE THEY VERBALLY GIVEN TO HIM?

A YES, SIR.

Q AND AT THAT TIME, DID HE WAIVE HIS RIGHT TO AN ATTORNEY?

A YES.

Q DID HE WAIVE HIS RIGHT TO HAVE ONE PRESENT?

A YES.

Q DID HE TELL YOU HE UNDERSTOOD HIS RIGHTS.

A YES, HE DID.

Q DID YOU EXPLAIN TO HIM THEY WOULD BE USED AGAINST HIM IN A COURT OF LAW?

A YES.

Q HE HAD A RIGHT TO REMAIN SILENT?

A CORRECT.

Q IN ADDITION TO SIGNING THE FORM, WHICH APPEARS HE SIGNED "YES" WITH HIS INITIALS. UNDER QUESTION FIVE, I UNDERSTAND EACH OF THESE RIGHTS EXPLAINED TO ME; IS THAT CORRECT?

A YES, SIR.

Q SIGNING HIS NAME AT THE BOTTOM; IS THAT CORRECT?

A YES, SIR.

Q DID HE ALSO TELL YOU THAT HE WAIVED THESE RIGHTS?

A YES, SIR.

Q AND THAT HE WISHED TO SPEAK TO YOU?

A YES.

Q THEN WAS THERE YET ANOTHER TIME WHEN YOU ADVISED HIM?

A YES, THERE WAS.

Q WHEN WAS THAT?

A ON THE TAPE-RECORDED INTERVIEW, BEFORE WE TAPED THE INTERVIEW, WE WENT OVER THE ADVISEMENT OF LEGAL RIGHTS FORM ON TAPE ALSO.

Q SO WAS THERE THE FIRST PART OF THE

INTERVIEW THAT WAS NOT TAPE-RECORDED?

A YES.

Q AND THEN THERE IS A REVIEW-TYPE INTERVIEW THAT IS TAPE RECORDED?

A YES, SIR.

Q DO YOU HAVE THAT TAPE WITH YOU TODAY?

A YES, I DO.

Q I WOULD ASK TO HAVE THAT TAPE MARKED AS PEOPLE'S 1.

THE COURT: FOR THIS 402 HEARING IT IS NO. 1.

(PEOPLE'S 1 MARKED FOR IDENTIFICATION)

Q BY MR. LAMB: CAN YOU PLAY THE PORTION OF THE TAPE THAT HAS THE ADVISEMENT OF RIGHTS ON IT?

A YES.

MR. LAMB: IF YOU WOULD AS SOON AS THERE IS A VOICE, IDENTIFY THE VOICES FOR US.

(ATTORNEY PLAYS PEOPLE'S 1)

MR. LAMB: TURN THE TAPE OFF, PLEASE.
NO FURTHER QUESTIONS, YOUR HONOR.

THE COURT: ANYTHING ELSE, MR. SCHMOCKER?

MR. SCHMOCKER: NOTHING ELSE YOUR HONOR,

THANK YOU.

THE COURT: YOU ARE FREE TO TAKE YOUR SEAT, OFFICER.

MR. SCHMOCKER: YOUR HONOR, I ASK MR. TAYLOR TO TAKE THE STAND.

THE COURT: SIR, COME BE SWORN.

APPENDIX H

APPENDIX H

§ 2254. State custody; remedies in Federal courts

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(d) In any proceeding instituted in a Federal court by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination after a hearing on the merits of a factual issue, made by a State court of competent jurisdiction in a proceeding to which the applicant for the writ and the State or an officer or agent thereof were parties, evidenced by a written finding, written opinion, or other reliable and adequate written indicia, shall be presumed to be correct, unless the applicant shall establish or it shall otherwise appear, or the respondent shall admit –.

(1) that the merits of the factual dispute were not resolved in the State court hearing;

(2) that the factfinding procedure employed by the State court was not adequate to afford a full and fair hearing;

(3) that the material facts were not adequately developed at the State court hearing;

(4) that the State court lacked jurisdiction of the subject matter or over the person of the applicant in the State court proceeding;

(5) that the applicant was an indigent and the State court, in deprivation of his constitutional right, failed to appoint counsel to represent him in the State court proceeding;

(6) that the applicant did not receive a full, fair, and adequate hearing in the State court proceeding; or

(7) that the applicant was otherwise denied due process of law in the State court proceeding;

(8) or unless that part of the record of the State court proceeding in which the determination of such factual issue was made, pertinent to a determination of the sufficiency of the evidence to support such factual

> determination, is produced as provided for hereinafter, and the Federal court on a consideration of such part of the record as a whole concludes that such factual determination is not fairly supported by the record:

And in an evidentiary hearing in the proceeding in the Federal court, when due proof of such factual determination has been made, unless the existence of one or more of the circumstances respectively set forth in paragraphs numbered (1) to (7), inclusive, is shown by the applicant, otherwise appears, or is admitted by the respondent, or unless the court concludes pursuant to the provisions of paragraph numbered (8) that the record in the State court proceeding, considered as a whole, does not fairly support such factual determination, the burden shall rest upon the applicant to establish by convincing evidence that the factual determination by the State court was erroneous.

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